

104TH CONGRESS
1ST SESSION

H. R. 1

To make certain laws applicable to the legislative branch of the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SHAYS, Mr. GOODLING, and Mr. THOMAS (for themselves, Mr. McHALE, Mr. HOYER, Mr. DICKEY, Mr. HAMILTON, Mrs. FOWLER, Mrs. CLAYTON, Mr. FAWELL, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. TORKILDSSEN, Mr. McKEON, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILBRAY, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BONILLA, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. DREIER, Ms. DUNN of Washington, Mr. EHRLICH, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. GALLEGLY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. JOHNSON of Texas, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATOURETTE, Mr. LAZIO, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LONGLEY, Mr. LUCAS, Mr. McCOLLUM, Mr. McDADE, Mr. McHUGH, Mr. McINNIS, Mr. McINTOSH, Mr. MANZULLO, Mr. MARTINI, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. REGULA, Mr. RIGGS, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mrs. VUCAN-

OVICH, Mr. WAMP, Mr. YOUNG of Florida, Mr. ACKERMAN, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CONDIT, Ms. DANNER, Ms. ESHOO, Mr. FILNER, Mr. GORDON, Mr. HOLDEN, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KLINK, Mr. LAFALCE, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL, Mr. ORTON, Mr. PALLONE, Mr. POMBO, Mr. POSHARD, Mr. REED, Mr. ROEMER, Mr. SCHUMER, Ms. SLAUGHTER, Mr. STENHOLM, Mrs. THURMAN, Mr. SANDERS, Mr. FORBES, Mr. SOLOMON, Mr. ROSE, Mr. KOLBE, Mr. PARKER, Mr. SCHAEFER, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committees on House Oversight, Government Reform and Oversight, Rules, and the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 5, 1995 (legislative day, January 4, 1995)

Considered pursuant to H. Res. 6 and passed

A BILL

To make certain laws applicable to the legislative branch
of the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional
5 Accountability Act of 1995”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) CONGRESSIONAL EMPLOYEE.—The term
9 “congressional employee” means—

10 (A) an individual on the payroll of an em-
11 ploying office of the House of Representatives;

1 (B) an individual on the payroll of an em-
2 ploying office of the Senate;

3 (C) an individual on the payroll of an em-
4 ploying office of the Architect of the Capitol;
5 and

6 (D) an individual on the payroll of an em-
7 ploying office of an instrumentality.

8 (2) EMPLOYEE IN THE HOUSE OF REPRESENT-
9 ATIVES.—The term “individual on the payroll of an
10 employing office in the House of Representatives”
11 means—

12 (A) an individual who is covered under rule
13 LI of the House of Representatives, as in effect
14 on the day before the date of enactment of this
15 Act;

16 (B) any applicant for a position that is to
17 be occupied by an individual described in sub-
18 paragraph (A); or

19 (C) any individual who was formerly an
20 employee described in subparagraph (A) and
21 whose claim of a violation arises out of the indi-
22 vidual’s employment.

23 (3) EMPLOYEE IN THE SENATE.—The term
24 “individual on the payroll of an employing office in
25 the Senate” means—

1 (A) any employee whose pay is disbursed
2 by the Secretary of the Senate;

3 (B) any applicant for a position that is to
4 be occupied by an individual described in sub-
5 paragraph (A)); or

6 (C) any individual who was formerly an
7 employee described in subparagraph (A) and
8 whose claim of a violation arises out of the indi-
9 vidual's employment.

10 (4) EMPLOYEE OF THE ARCHITECT OF THE
11 CAPITOL.—The term “individual on the payroll of an
12 employing office of the Architect of the Capitol”
13 means—

14 (A) an employee of the Architect of the
15 Capitol or an individual within the administra-
16 tive jurisdiction of the Architect of the Capitol
17 if such employee or individual is paid from
18 funds under a law providing appropriations for
19 the legislative branch;

20 (B) any applicant for a position that is to
21 be occupied by an employee or individual de-
22 scribed in subparagraph (A); or

23 (C) any individual who was formerly an
24 employee or individual described in subpara-

1 graph (A) and whose claim of a violation arises
2 out of the individual's employment.

3 (5) EMPLOYEE OF AN INSTRUMENTALITY.—

4 The term “individual on the payroll of an employing
5 office of an instrumentality” means—

6 (A) any individual on the payroll of an in-
7 strumentality of the legislative branch of the
8 Federal Government;

9 (B) any applicant for a position that is to
10 be occupied by an individual described in sub-
11 paragraph (A); or

12 (C) any individual who was formerly an
13 employee described in subparagraph (A) and
14 whose claim of a violation arises out of the indi-
15 vidual's instrumentality employment.

16 (6) HEAD OF AN EMPLOYING OFFICE.—The
17 term “head of an employing office” means the indi-
18 vidual who has final authority to appoint, hire, dis-
19 charge, and set the terms, conditions, or privileges
20 of the Congressional employment of an employee.

21 **SEC. 3. APPLICATION OF LAWS.**

22 (a) LAWS WHICH WILL APPLY.—The following laws
23 shall apply, as prescribed by this subsection, to the legisla-
24 tive branch of the Federal Government:

1 (1) The Fair Labor Standards Act of 1938 (29
2 U.S.C. 201 et seq.), effective on the earlier of the ef-
3 fective date of applicable regulations of the Office of
4 Compliance under section 5 or 1 year after the date
5 of the enactment of this Act.

6 (2) Title VII of the Civil Rights Act of 1964
7 (42 U.S.C. 2000e et seq.), effective on the earlier of
8 the effective date of applicable regulations of the Of-
9 fice of Compliance under section 5 or 1 year after
10 the date of the enactment of this Act.

11 (3) The Americans With Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.), effective on the ear-
13 lier of the effective date of applicable regulations of
14 the Office of Compliance under section 5 or 1 year
15 after the date of the enactment of this Act.

16 (4) The Age Discrimination in Employment Act
17 of 1967 (29 U.S.C. 621 et seq.) (including remedies
18 available to private employees), effective on the ear-
19 lier of the effective date of applicable regulations of
20 the Office of Compliance under section 5 or 1 year
21 after the date of the enactment of this Act.

22 (5) Titles I and V of the Family and Medical
23 Leave Act of 1993 (29 U.S.C. 2611 et seq.), effec-
24 tive on the earlier of the effective date of applicable
25 regulations of the Office of Compliance under sec-

1 tion 5 or 1 year after the date of the enactment of
2 this Act.

3 (6) The Occupational Safety and Health Act of
4 1970 (other than section 19) (29 U.S.C. 651 et seq.)
5 (subject to subsection (c)), effective on the earlier of
6 the effective date of applicable regulations of the Of-
7 fice of Compliance under section 5 or 2 years after
8 the date of the enactment of this Act.

9 (7) Chapter 71 (relating to Federal labor man-
10 agement relations) of title 5, United States Code, ef-
11 fective on the earlier of the effective date of applica-
12 ble regulations of the Office of Compliance under
13 section 5 or 2 years after the date of the enactment
14 of this Act.

15 (8) The Employee Polygraph Protection Act of
16 1988 (29 U.S.C. 2001 et seq.), effective on the ear-
17 lier of the effective date of applicable regulations of
18 the Office of Compliance under section 5 or 1 year
19 after the date of the enactment of this Act, except
20 that this Act shall not apply to the United States
21 Capitol Police.

22 (9) The Worker Adjustment and Retraining
23 Notification Act (29 U.S.C. 2101 et seq.), effective
24 on the earlier of the effective date of applicable regu-
25 lations of the Office of Compliance under section 5

1 or 1 year after the date of the enactment of this
2 Act.

3 (10) The Rehabilitation Act of 1973 (29 U.S.C.
4 791), effective on the earlier of the effective date of
5 applicable regulations of the Office of Compliance
6 under section 5 or 1 year after the date of the enact-
7 ment of this Act.

8 The laws referred to in this subsection which apply now
9 to congressional employees shall continue to apply to such
10 employees until the effective date such laws are made ap-
11 plicable in accordance with this subsection.

12 (b) LAWS WHICH MAY BE MADE APPLICABLE.—Any
13 provision of Federal law shall, to the extent that it relates
14 to the terms and conditions of employment (including hir-
15 ing, promotion or demotion, salary and wages, overtime
16 compensation, benefits, work assignments or
17 reassignments, termination, protection from discrimina-
18 tion in personnel actions, health and safety of employees,
19 and family and medical leave) of employees apply to the
20 legislative branch of the Federal Government in accord-
21 ance with this Act

22 (c) COMPLIANCE WITH OSHA.—The legislative
23 branch of the Federal Government shall comply with the
24 Occupational Safety and Health Act of 1970 as follows:
25 If a citation of a violation of such Act is received, action

1 to abate the violation shall take place as soon as possible,
2 but no later than the fiscal year following the fiscal year
3 in which the citation is issued.

4 **SEC. 4. OFFICE OF COMPLIANCE.**

5 (a) ESTABLISHMENT.—There is established in the
6 legislative branch an Office of Compliance (hereinafter in
7 this Act referred to as the “Office”).

8 (b) COMPOSITION.—

9 (1) BOARD OF DIRECTORS.—The Office shall
10 have a Board of Directors. The Board of Directors
11 shall consist of 8 individuals appointed jointly by the
12 Speaker of the House of Representatives, the Major-
13 ity Leader of the Senate, and the Minority Leaders
14 of the House of Representatives and the Senate. Ap-
15 pointments of the first 8 members of the Board of
16 Directors shall be completed not later than 120 days
17 after the date of the enactment of this Act.

18 (2) EXECUTIVE DIRECTOR.—

19 (A) IN GENERAL.—The Chairperson of the
20 Board of Directors shall appoint, may establish
21 the compensation of, and may terminate, sub-
22 ject to the approval of the Board of Directors,
23 an Executive Director (referred to in this Act
24 as the “executive director”). The compensation
25 of the executive director may not exceed the

1 compensation for level V of the Executive
2 Schedule under section 5316 of title 5, United
3 States Code. The executive director shall be an
4 individual with training or expertise in the ap-
5 plication of the laws referred to in section 3 to
6 employment. The appointment of the first exec-
7 utive director shall be completed no later than
8 120 days after the initial appointment of the
9 Board of Directors.

10 (B) OFFICE.—The executive director may
11 not be an individual who holds or may have
12 held the position of Member of the House of
13 Representatives or Senator. The executive direc-
14 tor may not be an individual who holds the po-
15 sition of employee of the House of Representa-
16 tives or the Senate but the executive director
17 may be an individual who held such a position
18 at least 4 years before appointment as executive
19 director. The term of office of the executive di-
20 rector shall be a single term of 5 years.

21 (c) BOARD OF DIRECTORS QUALIFICATIONS.—

22 (1) SPECIFIC QUALIFICATIONS.—

23 (A) LOBBYING.—No individual who en-
24 gages in, or is otherwise employed in, lobbying
25 of the Congress and who is required under the

1 Federal Regulation of Lobbying Act to register
2 with the Clerk of the House of Representatives
3 or the Secretary of the Senate shall be consid-
4 ered eligible for appointment to, or service on,
5 the Board of Directors.

6 (B) OFFICE.—No member of the Board of
7 Directors appointed under subsection (b)(1)
8 may hold or may have held the position of
9 Member of the House of Representatives or
10 Senator, may hold the position of employee of
11 the House of Representatives or Senate, or may
12 have held such a position within 4 years of the
13 date of appointment.

14 (2) HOLDING OFFICE.—If during a term of of-
15 fice a member of the Board of Directors engages in
16 an activity described in paragraph (2)(A), such posi-
17 tion shall be declared vacant and a successor shall
18 be selected in accordance with subsection (b)(1).

19 (3) VACANCIES.—A vacancy in the Board of
20 Directors shall be filled in the manner in which the
21 original appointment was made.

22 (d) BOARD OF DIRECTORS TERM OF OFFICE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), membership on the Board of Directors

1 shall be for 5 years. A member shall only be eligible
2 for appointment for a single term of office.

3 (2) FIRST APPOINTMENTS.—Of the members
4 first appointed to the Board of Directors—

5 (A) 2 shall have a term of office of 2
6 years,

7 (B) 2 shall have a term of office of 3
8 years,

9 (C) 2 shall have a term of office of 4
10 years, and

11 (D) 2 shall have a term of office of 5
12 years,

13 as designated at the time of appointment by the per-
14 sons specified in subsection (b)(1).

15 (3) REMOVAL.—Any member of the Board of
16 Directors may be removed from office by a majority
17 decision of the appointing authorities described in
18 subsection (b)(1) and only for—

19 (A) disability that substantially prevents
20 the member from carrying out the duties of the
21 member,

22 (B) incompetence,

23 (C) neglect of duty,

24 (D) malfeasance, or

1 (E) a felony or conduct involving moral
2 turpitude.

3 (e) CHAIRPERSON.—The Chairperson of the Board of
4 Directors shall be appointed from the members of the
5 Board of Directors by the members of the Board.

6 (f) COMPENSATION OF MEMBERS.—

7 (1) PER DIEM.—Each member of the Board of
8 Directors shall be compensated at a rate equal to
9 the daily equivalent of the annual rate of basic pay
10 prescribed for level V of the Executive Schedule
11 under section 5316 of title 5, United States Code,
12 for each day (including travel time) during which
13 such member is engaged in the performance of the
14 duties of the Board.

15 (2) TRAVEL EXPENSES.—Each member of the
16 Board of Directors shall receive travel expenses, in-
17 cluding per diem in lieu of subsistence, at rates au-
18 thorized for employees of agencies under subchapter
19 I of chapter 57 of title 5, United States Code, for
20 each day the member is engaged in the performance
21 of duties away from the home or regular place of
22 business of the member.

23 (g) OFFICE STAFF.—The executive director may ap-
24 point and fix the compensation of such staff, including
25 hearing officers, as are necessary to carry out this Act.

1 (h) DETAILEES.—The executive director may, with
2 the prior consent of the Government department or agency
3 concerned, use the services of any such department or
4 agency, including the services of members or personnel of
5 the General Accounting Office Personnel Appeals Board.

6 (i) CONSULTANTS.—In carrying out this Act, the ex-
7 ecutive director may procure the temporary (not to exceed
8 1 year) or intermittent services of individual consultants
9 or organizations thereof.

10 **SEC. 5. STUDY AND REGULATIONS.**

11 (a) INITIAL ACTION.—

12 (1) IN GENERAL.—The Board of Directors shall
13 conduct a study of the manner in which the laws
14 made applicable to the legislative branch of the Fed-
15 eral Government under section 3(a) should apply.
16 The Board of Directors shall complete such study
17 and report the results to Congress not later than
18 180 days after the date of the first appointment of
19 the first executive director.

20 (2) INSTRUMENTALITIES.—The Board of Direc-
21 tors shall include in its study under paragraph (1)
22 an examination of the procedures used by the instru-
23 mentalities to enforce the application of laws appli-
24 cable to the legislative branch of the Federal Gov-
25 ernment and a determination as to whether to direct

1 the instrumentality to make improvements in its reg-
2 ulations and procedures so as to assure that proce-
3 dures as effective as the procedures set forth in sec-
4 tions 7 through 12 will apply. If the instrumentality
5 has no such regulations and procedures, the Board
6 may direct the instrumentality to adopt the requisite
7 regulations and procedures, or, if deemed necessary,
8 in lieu thereof may itself adopt regulations pursuant
9 to this section or authorize use of the procedures
10 pursuant to sections 7 through 12.

11 (b) CONTINUING ACTION.—On an ongoing basis the
12 Board of Directors—

13 (1) shall determine which of the laws referred
14 to in section 3(b) should apply to the legislative
15 branch of the Federal Government and if it should,
16 the manner in which it should be made applicable;

17 (2) shall study the application to the legislative
18 branch of the Federal Government of provisions of
19 Federal law referred to in section 3 that are enacted
20 after the date of the enactment of this Act;

21 (3) may propose regulations with respect to
22 such application in accordance with subsection (c);
23 and

24 (4) may review the regulations in effect under
25 subsection (e)(1) and make such amendments as

1 may be appropriate in accordance with subsection
2 (c).

3 (c) REGULATIONS.—

4 (1) LAWS MADE APPLICABLE.—

5 (A) GENERAL RULE.—Not later than 180
6 days after the date of the completion of the
7 study under subsection (a), the Board of Direc-
8 tors shall, in accordance with section 553 of
9 title 5, United States Code, propose regulations
10 to implement the requirements of the laws
11 made applicable to the legislative branch of the
12 Federal Government under section 3(a). The
13 Board of Directors shall provide a period of at
14 least 30 days for comment on the proposed reg-
15 ulations.

16 (B) CONGRESSIONAL NOTICE.—In addition
17 to publishing a general notice of proposed rule-
18 making under section 553(b) of title 5, United
19 States Code, the Board of Directors shall con-
20 currently submit such notice for publication in
21 the Congressional Record.

22 (C) AMENDMENTS AND REPEALS.—When
23 proposing regulations under subparagraph (A)
24 to implement the requirements of a law referred
25 to in section 3(a), the Board of Directors shall

1 recommend to the Congress changes in or re-
2 peals of existing law to accommodate the appli-
3 cation of such law to the legislative branch of
4 the Federal Government.

5 (D) FINAL REGULATIONS.—The Board of
6 Directors shall, in accordance with such section
7 553, issue final regulations not later than 60
8 days after the end of the comment period on
9 the proposed regulations.

10 (2) CONTINUING ACTION.—

11 (A) GENERAL RULE.—Not later than 180
12 days after the date of the completion of the
13 study or a determination under subsection (b),
14 the Board of Directors shall, in accordance with
15 section 553 of title 5, United States Code, pro-
16 pose regulations that specify which of the provi-
17 sions of Federal law considered in such study
18 shall apply to the legislative branch of the Fed-
19 eral Government. The Board of Directors shall
20 provide a period of at least 30 days for com-
21 ment on the proposed regulations.

22 (B) CONGRESSIONAL NOTICE.—In addition
23 to publishing a general notice of proposed rule-
24 making under section 553(b) of title 5, United
25 States Code, the Board of Directors shall con-

1 currently submit such notice for publication in
2 the Congressional Record.

3 (C) AMENDMENTS AND REPEALS.—When
4 proposing regulations under subparagraph (A)
5 specifying which of the provisions of Federal
6 law referred to in section 3(b) shall apply to the
7 legislative branch of the Federal Government,
8 the Board of Directors shall recommend to the
9 Congress changes in or repeals of existing law
10 to accommodate the application of such law to
11 the legislative branch of the Federal Govern-
12 ment.

13 (D) FINAL REGULATIONS.—The Board of
14 Directors shall, in accordance with such section
15 553, issue final regulations not later than 60
16 days after the end of the comment period on
17 the proposed regulations.

18 (3) REGULATION REQUIREMENTS.—Regulations
19 under paragraphs (1) and (2) shall be consistent
20 with the regulations issued by an agency of the exec-
21 utive branch of the Federal Government under the
22 provision of law made applicable to the legislative
23 branch of the Federal Government, including por-
24 tions relating to remedies.

1 (4) ACTION IF DISAPPROVAL.—If a regulation
2 is disapproved by a concurrent resolution considered
3 under subsection (e), not later than 60 days after
4 the date of the disapproval, the Board of Directors
5 shall propose a new regulation to replace the regula-
6 tion disapproved. The action of the Board of Direc-
7 tors under this paragraph shall be in accordance
8 with the applicable requirements of this subsection.

9 (d) TRANSMITTAL.—A final regulation issued under
10 subsection (c) shall be transmitted to the Congress for
11 consideration under subsection (e).

12 (e) TAKING EFFECT OF REGULATIONS.—

13 (1) GENERAL RULE.—Subject to subsection (f),
14 a final regulation which is issued under subsection
15 (c) shall take effect upon the expiration of 60 days
16 from the date the final regulation is issued unless
17 disapproved by the Congress by concurrent resolu-
18 tion.

19 (2) CONCURRENT RESOLUTION.—A concurrent
20 resolution referred to in paragraph (1) may be intro-
21 duced in the House of Representatives or the Senate
22 within 5 days of session after the date on which the
23 Board of Directors issues the final regulation to
24 which the concurrent resolution applies. The matter
25 after the resolving clause of the resolution shall be

1 as follows: “That Congress disapproves the issuance
2 of final regulations of the Office of Compliance as is-
3 sued on _____ (the blank space being ap-
4 propriately filled in).”.

5 (3) PROCEDURE.—A concurrent resolution re-
6 ferred to in paragraph (1) shall be referred to the
7 appropriate committee of the House involved. If no
8 concurrent resolution is reported within 15 days of
9 session after the Board of Directors issues final reg-
10 ulations under subsection (c)(1)(D) or (c)(2)(D), the
11 committee to which the concurrent resolution was
12 referred shall be discharged from further consider-
13 ation of the first such concurrent resolution intro-
14 duced and the concurrent resolution shall be placed
15 on the appropriate calendar of the House involved.
16 Any meeting of a committee on a concurrent resolu-
17 tion shall be open to the public. Within 5 days of
18 session after the concurrent resolution is reported or
19 discharged, it shall be in order as a matter of high-
20 est privilege to move to proceed to its consideration
21 and such motion shall not be debatable. The concur-
22 rent resolution shall be debatable for not to exceed
23 4 hours equally divided between proponents and op-
24 ponents and it shall not be subject to amendment.
25 If, prior to the adoption of a concurrent resolution

1 by one House, that House receives a concurrent res-
2 olution of the other House with respect to the same
3 regulations, then the procedure in that House shall
4 be the same as if no concurrent resolution had been
5 received from the other House, but vote on final
6 adoption shall be on the concurrent resolution of the
7 other House. If a concurrent resolution is received
8 by a House in which no identical concurrent resolu-
9 tion has been introduced, it shall be referred to the
10 appropriate committee and the same procedures and
11 20-day period for action shall apply to the consider-
12 ation of the concurrent resolution by that House as
13 would apply to an introduced concurrent resolution.

14 (f) RULEMAKING POWER.—The provisions of sub-
15 section (e) of this section are enacted by the Congress—

16 (1) as an exercise of the rulemaking power of
17 the House of Representatives and the Senate, re-
18 spectively, and as such they shall be considered as
19 part of the rules of each House, respectively, or of
20 that House to which they specifically apply, and
21 such rules shall supersede other rules only to the ex-
22 tent that they are inconsistent therewith; and

23 (2) with full recognition of the constitutional
24 right of either House to change such rules (so far
25 as relating to such House) at any time, in the same

1 manner, and to the same extent as in the case of
2 any other rule of such House.

3 (g) OPEN TO THE PUBLIC.—Any meeting of the
4 Board of Directors held in connection with a study under
5 subsection (a) or (b) shall be open to the public. Any meet-
6 ing of the Board of Directors in connection with a regula-
7 tion under subsection (c) shall be open to the public.

8 **SEC. 6. OTHER FUNCTIONS.**

9 (a) RULES OF THE OFFICE.—The executive director
10 shall adopt rules governing the procedures of the Office,
11 subject to the approval of the Board of Directors, includ-
12 ing the procedures of hearing boards, which shall be sub-
13 mitted for publication in the Congressional Record. The
14 rules may be amended in the same manner. The executive
15 director may consult with the Chairman of the Adminis-
16 trative Conference of the United States, the Legal Counsel
17 of the Senate, and the General Counsel of the House of
18 Representatives on the adoption of rules.

19 (b) INVESTIGATIVE AUTHORITY.—The executive di-
20 rector shall have authority to conduct such investigations
21 as the executive director requires to implement sections
22 8 through 10 and section 12.

23 (c) DUTIES.—The Office shall—

24 (1) carry out a program of education for Mem-
25 bers of Congress and other employing authorities of

1 the legislative branch of the Federal Government re-
2 specting the laws made applicable to them and a
3 program to inform individuals of their rights under
4 laws applicable to the legislative branch of the Fed-
5 eral Government and under sections 7 through 12,

6 (2) in carrying out the program under para-
7 graph (1), distribute the telephone number and ad-
8 dress of the Office, procedures for action under sec-
9 tions 7 through 12, and any other information the
10 executive director deems appropriate for distribution,
11 distribute such information to Members of Congress
12 and other employing authorities of the legislative
13 branch of the Federal Government in a manner suit-
14 able for posting, provide such information to new
15 employees of the legislative branch of the Federal
16 Government, distribute such information to the resi-
17 dences of congressional employees, and conduct sem-
18 inars and other activities designed to educate em-
19 ployers and employees in such information,

20 (3) compile and publish statistics on the use of
21 the Office by congressional employees, including the
22 number and type of contacts made with the Office,
23 on the reason for such contacts, on the number of
24 employees who initiated proceedings with the Office
25 under sections 7 through 12 and the result of such

1 proceedings, and on the number of employees who
2 filed a complaint under section 10, the basis for the
3 complaint, and the action taken on the complaint,
4 and

5 (4) within 180 days of the initial appointment
6 of the executive director and in conjunction with the
7 Clerk of the House of Representatives and the Sec-
8 retary of the Senate, develop a system for the collec-
9 tion of demographic data respecting the composition
10 of the congressional employees, including race, sex,
11 and wages, and a system for the collection of infor-
12 mation on employment practices, including family
13 leave and flexible work hours, in Congressional
14 offices.

15 (d) REPORT.—Within one year of the date the system
16 referred to in subsection (c)(4) is developed and annually
17 thereafter, the Board of Directors shall submit to Con-
18 gress a report on the information collected under such sys-
19 tem. Each report after the first report shall contain a com-
20 parison and evaluation of data contained in the previous
21 report.

22 **SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED**
23 **VIOLATIONS.**

24 The procedure for consideration of alleged violations
25 of laws made applicable to the legislative branch of the

1 Federal Government under this Act consists of 4 steps as
2 follows:

3 (1) Step I, counseling, as set forth in section 8.

4 (2) Step II, mediation, as set forth in section
5 9.

6 (3) Step III, formal complaint and hearing by
7 a hearing board, as set forth in section 10.

8 (4) Step IV, judicial review if a congressional
9 employee is aggrieved by a dismissal of a claim
10 under section 10(c), a final decision under section
11 10(g), or an order under section 10(h) or if a head
12 of an employing office is aggrieved by a final deci-
13 sion under section 10(g) or would be subject to an
14 order issued under section 10(h).

15 (5) Step V, as an alternative to steps III and
16 IV, a civil action in a district court of the United
17 States in accordance with section 12.

18 A congressional employee may elect the procedure de-
19 scribed in paragraph (3) or (5) but not both procedures.

20 **SEC. 8. STEP I: COUNSELING.**

21 (a) IN GENERAL.—A congressional employee alleging
22 a violation of a law made applicable to the legislative
23 branch of the Federal Government under this Act may re-
24 quest counseling through the Office. The Office shall pro-
25 vide the employee with all relevant information with re-

1 spect to the rights of the employee. A request for counsel-
2 ing shall be made not later than 180 days after the alleged
3 violation forming the basis of the request for counseling
4 occurred.

5 (b) PERIOD OF COUNSELING.—The period for coun-
6 seling shall be 30 days unless the employee and the Office
7 agree to reduce the period. The period shall begin on the
8 date the request for counseling is received.

9 **SEC. 9. STEP II: MEDIATION.**

10 (a) IN GENERAL.—Not later than 15 days after the
11 end of the counseling period under section 8, the employee
12 who alleged a violation of a law made applicable to the
13 legislative branch of the Federal Government under this
14 Act may file a request for mediation with the Office. Medi-
15 ation—

16 (1) may include the Office, the employee, the
17 employing office, and individuals who are rec-
18 ommended by organizations composed primarily of
19 individuals experienced in adjudicating or arbitrating
20 personnel matters, and

21 (2) shall be a process involving meetings with
22 the parties separately or jointly for the purpose of
23 resolving the dispute between the employee and the
24 employing office.

1 (b) MEDIATION PERIOD.—The mediation period shall
2 be 30 days beginning on the date the request for mediation
3 is received and may be extended for an additional 30 days
4 at the discretion of the Office. The Office shall notify the
5 employee and the head of the employing office when the
6 mediation period has ended.

7 **SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.**

8 (a) FORMAL COMPLAINT AND REQUEST FOR HEAR-
9 ING.—Not later than 30 days after receipt by the congres-
10 sional employee of notice from the Office of the end of
11 the mediation period under section 9, the congressional
12 employee may file a formal complaint with the Office
13 against the head of the employing office involved. No com-
14 plaint may be filed unless the employee has made a timely
15 request for counseling and has completed the procedures
16 set forth in sections 8 and 9.

17 (b) HEARING BOARD.—A board of 3 independent
18 hearing officers (hereinafter in this Act referred to as a
19 “hearing board”), who are not Members of the House of
20 Representatives, Senators, or officers or employees of the
21 House of Representatives or Senate, chosen by the execu-
22 tive director (one of whom shall be designated by the execu-
23 tive director as the presiding hearing officer) shall be as-
24 signed to consider each complaint filed under subsection
25 (a). The executive director shall appoint hearing officers

1 from candidates who are recommended by the Federal Me-
2 diation and Conciliation Service or the Administrative
3 Conference of the United States. A hearing board shall
4 act by majority vote.

5 (c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a
6 hearing under subsection (d), a hearing board may dismiss
7 any claim that it finds to be frivolous.

8 (d) HEARING.—A hearing shall be conducted—

9 (1) in closed session on the record by a hearing
10 board; and

11 (2) no later than 30 days after filing of the
12 complaint under subsection (a), except that the Of-
13 fice may, for good cause, extend up to an additional
14 60 days the time for conducting a hearing.

15 (e) DISCOVERY.—Reasonable prehearing discovery
16 may be permitted at the discretion of the hearing board.

17 (f) SUBPOENA POWER.—

18 (1) IN GENERAL.—A hearing board may au-
19 thorize subpoenas, which shall be issued by the pre-
20 siding hearing officer on behalf of the hearing board
21 for the attendance of witnesses at proceedings of the
22 hearing board and for the production of correspond-
23 ence, books, papers, documents, and other records.
24 The attendance of witnesses and the production of

1 evidence may be required from any place within the
2 United States.

3 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
4 son refuses to obey a subpoena issued under para-
5 graph (1), the hearing board may apply to a United
6 States district court for an order requiring that per-
7 son to appear before the hearing board to give testi-
8 mony, produce evidence, or both, relating to the
9 matter under investigation. The application may be
10 made within the judicial district where the hearing
11 is conducted or where that person is found, resides,
12 or transacts business. Any failure to obey the order
13 of the court may be punished by the court as civil
14 contempt.

15 (3) SERVICE OF SUBPOENAS.—The subpoenas
16 of the hearing board shall be served in the manner
17 provided for subpoenas issued by a United States
18 district court under the Federal Rules of Civil Pro-
19 cedure for the United States district courts.

20 (4) SERVICE OF PROCESS.—All process of any
21 court to which application is to be made under para-
22 graph (2) may be served in the judicial district in
23 which the person required to be served resides or
24 may be found.

1 (5) IMMUNITY.—The hearing board is an agen-
2 cy of the United States for the purpose of part V
3 of title 18, United States Code (relating to immunity
4 of witnesses).

5 (g) HEARING BOARD DECISION.—As expeditiously as
6 possible, but in no case more than 45 days after the con-
7 clusion of the hearing, the hearing board shall make a de-
8 cision in the matter for which the hearing was held. The
9 decision of the hearing board shall be transmitted by the
10 Office to the employee and the employing office. The deci-
11 sion shall state the issues raised by the complaint, describe
12 the evidence in the record, and contain a determination
13 as to whether a violation of a law made applicable to the
14 legislative branch of the Federal Government under this
15 Act has occurred. Any decision of the hearing board shall
16 contain a written statement of the reasons for the hearing
17 board's decision. A final decision of the hearing board
18 shall be made available to the public by the Office.

19 (h) REMEDY ORDER.—If the decision of the hearing
20 board under subsection (g) is that a violation of a law
21 made applicable to the legislative branch of the Federal
22 Government under this Act has occurred, it shall order
23 the remedies under such law as made applicable to the
24 legislative branch of the Federal Government under this
25 Act, except that no Member of the House of Representa-

1 tives, Senator, any other head of an employing office, or
2 any agent of such a Member, Senator, or employing office,
3 shall be personally liable for the payment of compensation.
4 The hearing board shall have no authority to award puni-
5 tive damages. The entry of an order under this subsection
6 shall constitute a final decision for purposes of judicial re-
7 view under section 11.

8 (i) FUNDS.—There shall be established in the House
9 of Representatives and in the Senate a fund from which
10 compensation (including attorney's fees) may be paid in
11 accordance with an order under subsection (h) or as a re-
12 sult of judicial review under section 11 or a civil action
13 under section 12. From the outset of any proceeding in
14 which compensation may be paid from a fund of the House
15 of Representatives, the General Counsel of the House of
16 Representatives may provide the respondent with rep-
17 resentation.

18 **SEC. 11. JUDICIAL REVIEW.**

19 (a) IN GENERAL.—

20 (1) TYPES OF REVIEW.—Following any hearing
21 under section 10 on a complaint relating to a provi-
22 sion of law described in section 3, any congressional
23 employee aggrieved by a dismissal of a claim under
24 section 10(c), a final decision under section 10(g), a
25 final order under section 10(h), or any head of an

1 employing office aggrieved by a final decision under
2 section 10(g) or a final order under section 10(h),
3 may petition for review by the United States Court
4 of Appeals for the Federal Circuit in accordance
5 with paragraph (2).

6 (2) PROVISIONS APPLICABLE TO REVIEW.—The
7 following provisions apply to a review under para-
8 graph (1):

9 (A) LAW APPLICABLE.—Chapter 158 of
10 title 28, United States Code, shall apply—

11 (i) with respect to section 2344 of
12 title 28, United States Code, service of the
13 petition shall be on the House or Senate
14 Legal Counsel, or the appropriate entity of
15 an instrumentality, as the case may be,
16 rather than on the Attorney General;

17 (ii) the provisions of section 2348 of
18 title 28, United States Code, on the au-
19 thority of the Attorney General, shall not
20 apply;

21 (iii) the petition for review shall be
22 filed not later than 90 days after the entry
23 in the Office of a final decision under sec-
24 tion 10(g), an order under section 10(h);
25 and

1 (iv) the Office shall be an “agency” as
2 that term is used in chapter 158 of title
3 28, United States Code.

4 (B) STANDARD OF REVIEW.—To the ex-
5 tent necessary for decision and when presented,
6 the court shall decide all relevant questions of
7 law and interpret constitutional and statutory
8 provisions. The court shall set aside a dismissal
9 under section 10(c), a final decision under sec-
10 tion 10(g), or an order under section 10(h) if
11 it is determined that the dismissal, decision, or
12 order was—

13 (i) arbitrary, capricious, an abuse of
14 discretion, or otherwise not consistent with
15 law;

16 (ii) not made consistent with required
17 procedures; or

18 (iii) unsupported by substantial evi-
19 dence.

20 (C) RECORD.—In making determinations
21 under subparagraph (B), the court shall review
22 the whole record, or those parts of it cited by
23 a party, and due account shall be taken of the
24 rule of prejudicial error. The record on review
25 shall include the record before the hearing

1 board, the decision of the hearing board, and
2 the order of the hearing board.

3 (b) ATTORNEY'S FEES.—If a congressional employee
4 is the prevailing party in a proceeding under this section,
5 attorney's fees for the judicial proceeding may be allowed
6 by the court in accordance with the standards prescribed
7 under section 706(k) of the Civil Rights Act of 1964 (42
8 U.S.C. 2000e–5(k)).

9 **SEC. 12. CIVIL ACTION.**

10 (a) IN GENERAL.—

11 (1) CIVIL ACTION.—A congressional employee
12 may, within 30 days after receipt of notice from the
13 Office of the end of the mediation period under sec-
14 tion 9 for a violation of a law made applicable to the
15 legislative branch of the Federal Government, bring
16 a civil action in a district court of the United States
17 seeking relief from the alleged violation of law if
18 such a civil action may be brought by an employee
19 under such law. In any such civil action, any party
20 may demand a jury trial.

21 (2) EXHAUSTION REQUIREMENT.—No civil ac-
22 tion may be filed under paragraph (1) unless the
23 employee has made a timely request for counseling
24 and has completed the procedures set forth in sec-
25 tions 8 and 9.

1 (3) COURT ORDER.—If a court determines that
2 a violation of law occurred, the court may only enter
3 an order described in section 10(h).

4 (b) ATTORNEY’S FEES.—If a congressional employee
5 is the prevailing party in a proceeding under this section,
6 attorney’s fees may be allowed by the court in accordance
7 with any standards prescribed under Federal law for the
8 award of such fees in the event of a violation of such provi-
9 sion.

10 **SEC. 13. RESOLUTION OF COMPLAINT.**

11 If, after a formal complaint is filed under section 10,
12 the employee and the head of the employing office resolve
13 the issues involved, the employee may withdraw the com-
14 plaint or the parties may enter into a written agreement,
15 subject to the approval of the executive director.

16 **SEC. 14. PROHIBITION OF INTIMIDATION.**

17 Any intimidation of, or reprisal against, any employee
18 by any Member of the House of Representatives, Senator,
19 or officer or employee of the House of Representatives or
20 Senate, by the Architect of the Capitol or anyone employed
21 by the Architect of the Capitol, or by an instrumentality
22 of the legislative branch of the Federal Government be-
23 cause of the exercise of a right under this Act constitutes
24 an unlawful employment practice, which may be remedied
25 in the same manner under this Act as is a violation of

1 a law made applicable to the legislative branch of the Fed-
2 eral Government under this Act.

3 **SEC. 15. CONFIDENTIALITY.**

4 (a) COUNSELING.—All counseling shall be strictly
5 confidential except that the Office and the employee may
6 agree to notify the head of the employing office of the
7 allegations.

8 (b) MEDIATION.—All mediation shall be strictly
9 confidential.

10 (c) HEARINGS.—Except as provided in subsections
11 (d) and (e), the hearings and deliberations of the hearing
12 board shall be confidential.

13 (d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—
14 The records of hearing boards may be made public if re-
15 quired for the purpose of judicial action under section 9.

16 (e) ACCESS BY COMMITTEES OF CONGRESS.—At the
17 discretion of the executive director, the executive director
18 may provide to the Committee on Standards of Official
19 Conduct of the House of Representatives and the Select
20 Committee on Ethics of the Senate access to the records
21 of the hearings, including all written and oral testimony
22 in the possession of the hearing boards, concerning a deci-
23 sion under section 10(g). The executive director shall not
24 provide such access until the executive director has con-
25 sulted with the individual filing the complaint at issue in

1 the hearing, and until the hearing board has issued the
2 decision.

3 (f) COORDINATION.—The executive director shall co-
4 ordinate the proceedings with the Committee on Stand-
5 ards of Official Conduct of the House of Representatives
6 and the Select Committee on Ethics of the Senate to en-
7 sure effectiveness, to avoid duplication, and to prevent pe-
8 nalizing cooperation by respondents in the respective pro-
9 ceedings.

10 **SEC. 16. POLITICAL AFFILIATION AND PLACE OF RESI-**
11 **DENCE.**

12 (a) IN GENERAL.—It shall not be a violation of a law
13 made applicable to the legislative branch of the Federal
14 Government under this Act to consider the—

15 (1) party affiliation,
16 (2) domicile, or
17 (3) political compatibility with the employing
18 office,
19 of a congressional employee with respect to employment
20 decisions.

21 (b) DEFINITION.—For purposes of subsection (a),
22 the term “employee” means—

23 (1) an employee on the staff of the House of
24 Representatives or Senate leadership,

1 (2) an employee on the staff of a committee or
2 subcommittee,

3 (3) an employee on the staff of a Member of
4 the House of Representatives or Senate,

5 (4) an officer or employee of the House of Rep-
6 resentatives or Senate elected by the House of Rep-
7 resentatives or Senate or appointed by a Member of
8 the House of Representatives or Senate, other than
9 those described in paragraphs (1) through (3), or

10 (5) an applicant for a position that is to be oc-
11 cupied by an individual described in paragraphs (1)
12 through (4).

13 **SEC. 17. ENFORCEMENT; OTHER REVIEW PROHIBITED.**

14 (a) **ENFORCEMENT.**—This Act shall not be construed
15 to authorize enforcement by the executive branch of any
16 of the laws made applicable to congressional employees
17 under this Act.

18 (b) **REVIEW.**—No congressional employee may com-
19 mence a judicial proceeding to redress practices prohibited
20 under section 5, except as provided in this Act.

21 **SEC. 18. STUDY.**

22 (a) **STUDY.**—The Office shall conduct a study—

23 (1) of the ways that access by the public to in-
24 formation held by the Congress may be improved,
25 streamlined, and made consistent between the House

1 of Representatives and the Senate and of the appli-
2 cation of section 552 of title 5, United States Code
3 to the legislative branch of the Federal Government;
4 and

5 (2) of the application of the requirement of sec-
6 tion 552a of title 5, United States Code, to the legis-
7 lative branch of the Federal Government.

8 (b) STUDY CONTENT.—The study conducted under
9 subsection (a) shall examine—

10 (1) information that is currently made available
11 under such section 552 by Federal agencies and not
12 by the legislative branch of the Federal Government;

13 (2) information held by the non-legislative of-
14 fices of the legislative branch of the Federal Govern-
15 ment, including—

16 (A) the instrumentalities,

17 (B) the Architect of the Capitol,

18 (C) the Chief Administrative Officer of the
19 House of Representatives,

20 (D) the Clerk of the House of Representa-
21 tives,

22 (E) the Secretary of the Senate,

23 (F) the Inspector General of the House of
24 Representatives,

1 (G) the Sergeant at Arms of the House of
2 Representatives and the Sergeant at Arms of
3 the Senate,

4 (H) the United States Capitol Police, and

5 (I) the House Commission on Congres-
6 sional Mailing Standards;

7 (3) financial expenditure information of the leg-
8 islative branch of the Federal Government; and

9 (4) provisions for judicial review of denial of ac-
10 cess to information held by the legislative branch of
11 the Federal Government.

12 (c) TIME.—The Office shall conduct the study pre-
13 scribed by subsection (a) and report the results of the
14 study to the Congress not later than one year after the
15 date of the initial appointment of the Board of Directors.

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HR 1 CPH—2

HR 1 CPH—3